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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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01/16/2003

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EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/20/844

Applicant(s)

P 96/9

Examiner

Sax

Group Art Unit

2174

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 11/5/02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-22 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1-9, 11, 22 is/are allowed.
- ☒ Claim(s) 10, 12-21 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

1. This application has been examined. The amendment filed 11/5/02 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10, 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finch et al (5805796) and Ashe et al (6307574).

4. Regarding claim 10, Ashe et al show examining the class definition of a screen element of a gui (column 3 lines 10-20, column 6 lines 10-25) wherein examining is performed without execution of the class definition (column 5 lines 5-14), and identifying an element if the class definition includes a method supporting the element (column 6 lines 5-10 and 34-55). Ashe et al do not specifically state the element is supporting an input device, but does use class definitions to determine support for an element, for analysis and control of the gui system. Furthermore, Finch et al do determine the element is supporting an input device (column 5 lines 60-68 and column 6 lines 1-20), in a system using class definitions for analysis and control of a gui system

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(column 8 lines 29-45). It would have been obvious to a person with ordinary skill in the art to have Ashe et al determine an element supporting an input device, because it would provide convenient analysis and control of a gui in a system that uses class definitions for analysis and control of a gui.

5. Regarding claim 12, the examining in Ashe et al is performed at runtime (column 5 lines 7-14).

6. Regarding claim 13, the element is marked if the class definition includes support for the input device (Ashe et al column 5 lines 1-13)

7. Regarding claim 14, Ashe et al show if the process was delegated to other code (column 4 lines 55-68).

8. Claims 15-21 show the same features as above and are rejected for the same reasons.

9. Claims 1-9, 11, 22 are allowable over the prior art of record. The combined features of these claims are not set forth in the prior art of record.

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10. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant's interpretation of prior art is noted and it is pointed out that applicant mostly addresses the Ashe reference. Applicant focuses on the interpretation of 'examining a class definition.' Note that the class structure and differentiation of structure, functionality, and appearance as described in Ashe is in fact examining, and furthermore that this is used to detect an ability to process an input device's events, even if this is not the focus of Ashe.

On the bottom of page 3 of applicant's response, applicant notes that Ashe mentions how 'functionality may also include a behavioral... in dependence on user actions.' First of all, this is just one of the capabilities of Ashe and not the sole mode of operation. Also, the class definition need not be executed to perform the examining.

Applicant mentions elements of the claims but note that these may be broad and the interpretation is consistent with the way Ashe and Finch are applied. If applicant means more, then this must be explicitly recited in the claims.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristin Kincaid, can be reached on (703) 308-0640.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238	After Final Communication
(703) 746-7239	Official Communication
(703) 746-7420	For Status Inquiries, draft communication

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


STEVEN SAX
PRIMARY EXAMINER